

REMARKS/ARGUMENTS

The Office Action of August 23, 2004 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Claims 2-13, 15, 16, 18-25, and 27-29 have been amended. Claims 1 and 17 have been canceled.

The specification has been amended to correct the minor typographical errors pointed out in the Office Action.

The indication that claims 9-14 and 25-30 would be allowable if rewritten in independent form is appreciated. Accordingly claims 9, 13, 25, and 29 have been rewritten in independent form.

Claim 15 stands objected to for a typographical error and also rejected under 35 U.S.C. 112, second paragraph. Claim 15 has been amended and does not contain the errors addressed in the Office Action. Withdrawal of the objection and rejection is requested.

Claims 1, 2, 8, 17, 18 and 24 stand rejected under 35 U.S.C. 102(b) as being anticipated by WO 01/43980 to Hirsch.

Hirsch discloses a deformable ring clip (3) as shown in Fig. 8. The deformable ring clip is flexible and can be partly bent downwards when no pile of sheets is present (page 7, line 23). There are no hinges present on the flexible clip.

The object of Hirsch's arrangement is to prevent the ring clip from being an obstacle to the user when writing thus allowing placement of the left hand on the pile of sheet (page 6, line 23). On the other hand, the present invention prevents the cover sheet body from opening unexpectedly by allowing a portion of a ring-shaped body to incline. Since the ring clip of Hirsch is elastic, it would be difficult to incline the ring clip to prevent the cover sheet of the file from being opened as required by the instant claims.

In addition, Hirsch discloses a latch to link the first and the second parts of the ring clip. The latch is located in the mid-length, particularly in the upper-most point of its arched bend (page 11, line 14). Due to this arrangement, it would be difficult for the latch (corresponding to the "engaging arrangement" of the present invention) to function as a rotation axis

(corresponding to "second hinge" of the present invention) around which the upper portion of the ring clip inclines.

Furthermore, Hirsch does not disclose a stopper to retain the ring clip (3) in an inclined condition. The flexible ring clip has no stopper and is designed maintain a vertical position unless bent over by a hand, for example.

Hirsch does not teach each and every element of the instant claims as required under 35 USC 102. Withdrawal of this rejection is requested.

Claims 15 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsh (WO 01/43980). Hirsh does not teach or suggest claim 8 for the reasons discussed above. Claims 15 and 16 depend from claim 8; hence, Hirsh does not teach or suggest claims 15 and 16 for at least the same reasons. Withdrawal of this rejection is requested.

Claims 3-7 and 19-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsh in view of Kaneda (U.S. Patent No. 6,761,497). Hirsh does not teach or suggest claims 2 and 18 for the reasons discussed above. Claims 3-7 and 19-23 depend from claims 2 and 18, respectively; hence, Hirsh does not teach or suggest claims 3-7 and 19-23 for at least the same reasons.

Kaneda is cited as showing an engagement arrangement. The engagement arrangement is at the top of the clip. Kaneda does not teach or suggest clips having hinges that allow the top portion of the clip to bend. Thus, Even if Hirsh could be modified to include the engagement arrangement of Kaneda, one skilled in the art still does not arrive at the binder system of the instant claims for the reasons identified above. Withdrawal of this rejection is requested.

CONCLUSION

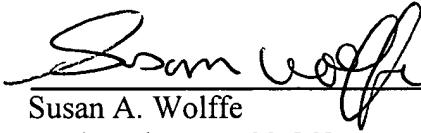
In view of the above amendments and remarks, withdrawal of the instant rejections and issuance of a Notice of Allowance are requested. If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: November 12, 2004

By:



Susan A. Wolffe
Registration No. 33,568

1001 G Street, N.W.
Washington, D.C. 20001-4597
Tel: (202) 824-3000
Fax: (202) 824-3001

SAW/cd